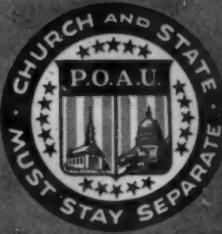


# CHURCH AND STATE

## A MONTHLY REVIEW



VOL. 7, NO. 8

SEPTEMBER 1954

### Court Ends Pittsburgh Sectarian Child Home Aid

Payments made out of public funds to a Baptist, a Methodist, and eight Roman Catholic child-care institutions in the Pittsburgh area were ordered ended by a June 30 decision of the Allegheny County Common Pleas Court. An appeal against the decision was filed by attorneys for county officials, the ten child-care institutions, and the commonwealth of Pennsylvania.

Judge A. Marshall Thompson upheld the plaintiffs—Fred A. Schade, Edward L. Evans, Mr. and Mrs. Harper B. Storer, and Martha Klein—in their main contentions but declined to hold unconstitutional any part of the 1933 Allegheny County Juvenile Court law or the 1937 County Institution District law, both of which had been called into question by the plaintiffs.

Declared ineligible for grants of public funds were the Baptist Orphanage and Home Society of Western Pennsylvania, the Robert Boyd Ward Home for Children (Methodist), Eudes Institute (Roman Catholic), Holy Family Institute (Roman Catholic), Home of the Good Shepherd (Roman Catholic), Roselia Foundling Asylum and Maternity Hospital (Roman Catholic), St. Joseph's Children and Maternity Hospital of Scranton (Roman Catholic), St. Joseph's Protectorate for Homeless Boys (Roman Catholic), St. Paul's Roman Catholic Orphan Asylum, and the Toner Institute (Roman Catholic).

Judge Thompson agreed with the plaintiffs that the institutions named were "denominational and sectarian" and therefore barred by Section 18 of Article III of the Pennsylvania constitution from receiving public funds. The section reads: "No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational, or benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation, or association."

The court found nothing unconstitutional in the 1937 County Institution District law, however. Judge Thompson held that the unconstitutional grants had been made through faulty administration of the Act, and that "adequate relief can be granted by restraining the Allegheny County Institution District from paying any public moneys to the various defendant charitable institutions."

As for the 1933 Allegheny County Juvenile Court law, Judge Thompson declined to rule directly on the constitutionality of Article IV, Section 409—providing, in part, that the Juvenile Court "shall place a child, as far as possible, under the care, guidance, and control of persons having the same religious belief as the parents of the child"—but admitted that the additional clause, "or with some association, institution, or society which is controlled by persons of such religious belief," was central to the "difficulty" involved in the present case. "It seems to us," Judge Thompson observed, "that whether or not the provision of the Juvenile Court Act quoted above is in conflict with the Constitution need not be determined in this proceeding, and that the duty and responsibility of determining whether or not they were making distribution of public funds to denominational or sectarian institutions was imposed upon the Allegheny County Institution District."

He rejected an argument of the defense with the comment, "Surely money raised by taxation in Allegheny County is as much the 'people's' money as money in the State treasury," and concluded: "In view of the clear and imperative language of the [Pennsylvania] Supreme Court, which we have quoted above, we cannot agree with the contention of the Commonwealth that the payments of public money by the Allegheny County Institution District to sectarian institutions does not come under the ban

of Article III Section 18 of the Constitution."

Also rejected by the court was a defense argument that county support was granted for the benefit of the individual child rather than the custodial institutions. Here, too, Judge Thompson cited Pennsylvania Supreme Court decisions which he said settled the question.

According to the record, \$253,064.44 in public funds had been paid to the ten defendant institutions from December 27, 1952 to December 25, 1953. The institutions will not be required to repay these funds, for the object of the suit was merely to prevent such payments in the future.

Taking note of the fact that approximately 750 children in the care of sectarian institutions were affected by the decision, Judge Thompson called for the allowance of "a period of time in which to make the adjustment" by which the children might be transferred to "private homes or in some suitable institutions that are not sectarian."

Dr. Frederick Curtis Fowler, Pittsburgh POAU leader, cooperated with the plaintiffs in working out details of the suit.

### City to Appeal Church Tax-Exemption Edict

The city of Wilmington, Dela., has announced that it will appeal a recent court decision upholding tax exemption for the St. Stanislaus Kostka Roman Catholic Church rectory ("Church and State," July). Noting that more than 90 rectories and parsonages were on Wilmington's tax rolls at a total assessment of more than \$750,000, Mayor August F. Walz said that "any proposed exemption of the magnitude of the one here involved should be passed upon by our [State] Supreme Court."

See pages 5-8 for results of Church and State's exclusive country-wide survey of state education laws and policies on private and parochial schools.

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## ROAD BLOCK



### Vermont Bible Classes Halted Through Action by Blanshard

"I do not believe that Protestants should be permitted to violate the law any more than Catholics or Jews; and certainly Protestants, even when they are in the great majority in a community, have the same obligation to observe the law that other citizens have." So wrote Paul Blanshard last January in a letter to Vermont Education Commissioner A. John Holden, Jr., asking the latter to ban "classes in religion . . . given during the regular day-time schedule of instruction . . . in the schools of Thetford township known as the East Thetford, North Thetford, Thetford Center, Post Mills, and Stevens District schools." In July Commissioner Holden, after consulting Attorney General F. Elliott Barber, Jr., announced that he would accede to the request of Blanshard, who is a resident and voter of Thetford Center.

The banned classes had been given under the auspices of the New England Fellowship of Evangelicals (an organization with headquarters in Boston), and with the permission of school boards. In his letter of complaint Blanshard noted that the practice had been discontinued at Rice's Mills school when a Roman Catholic family objected. Nevertheless, the success of Blanshard's complaint was greeted sourly in the Denver (Roman Catholic) *Register* of July 17 with the headline, "BLANSHARD ATTACKS

PROTESTANTS." He is the author of three well-known books\* on Roman Catholic "power" in relation to democracy.

Queried by the *Valley News* after announcement of Commissioner Holden's decision, Blanshard declared:

"Those who oppose the teaching of religion in the public schools are not necessarily opposed to religion or morality, but they believe that it is wrong to use taxpayers' money to promote any religious cause. Our Constitution in the First Amendment prohibits the establishment of religion, and the Supreme Court has ruled that this means: No public money or the use of public property for religious instruction.

"I think obedience to the principle is the best way to avoid religious quarrels. There is nothing in our law

\*American Freedom and Catholic Power (1949), *Communism, Democracy, and Catholic Power* (1951), and *The Irish and Catholic Power* (1953), each published by the Beacon Press, Boston.

to prevent school children leaving school with permission to have 'released time' religious classes outside school buildings, but the McCollum decision by the Supreme Court has made such classes illegal in the school building. . . .

"[It is] inconsistent to deny money to Catholic schools and at the same time to use public funds to promote non-Catholic religion."

In his letter of complaint, Blanshard had specified that the religious instruction was "given for either one-half hour weekly or for one hour every two weeks," and he added that while "the McCollum decision has been called to the attention of members of school boards in Vermont in very general language," they appeared to be in need of a specific directive to end religious instruction "given as part of the school's regular schedule of work."

#### Who Took Initiative?

In defense of the religious classes, Almira Baston, director of the Department of Christian Education of the New England Fellowship of Evangelicals, asserted that the program was "non-sectarian, non-compulsory moral and religious instruction" which was "conducted upon the request of the local committee." However, the *Valley News* of July 2 reported that Chairman William E. Bond as well as another member of the Thetford school board "said that the board did not request the religious classes but, on the contrary, received a request from the New England Fellowship each year. The board had been in the habit of approving the request

(Continued on page 12)

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CHURCH AND STATE

## NEWS From Far and Near

◆ "Inter-faith tensions" has emerged as one of the principal problems of recent development in the Washington Heights section of New York City, according to *Upper Manhattan: A Community Study of Washington Heights*, published last June by the Protestant Council of the City of New York (50c, obtainable from the Council, 71 West 23rd Street, New York 10, N. Y.). "The hostilities are expressed mainly between Roman Catholics and other religious groups," the study observes. "The Roman Catholic Church has banned Roman Catholic children from playing on the premises of at least two Protestant churches in the Heights. This action tends to hinder the recreational and social activities programs of the youth in the community. Roman Catholic relationships with Jews have also been tenuous. One community leader confesses that the whole community has to be on the alert during the Holy Week season or during Halloween. Especially at these times Roman Catholic children are apt to engage in pranks and organized fights with Jewish children. It is not uncommon during these observances to see signs, written or painted, carrying such epithets as 'Kill the Kikes!' . . . ."

◆ Sixty-five per cent of the cost of renovating 129 church buildings—including the Roman Catholic seminary at Bratislava—was assumed by the Czechoslovakian Communist regime, according to recent newspaper reports from that country.

◆ The "dangers inherent in State-controlled schools" was the subject of a warning to Roman Catholic parents recently issued by Bishop Giuseppe M. De Smedt of Bruges, Belgium. "The system of State-controlled schools," he told the parents, "cannot give you sufficient guarantee of Christian education even if religious courses are held. . . . There can be no justification, unless there be very serious reasons, for parents of Christian faith to send their children to so-called neutral schools." The bishop denounced a government move to reduce state subsidies to Roman Catholic schools. . . . Meanwhile, Belgian Minister of Colonies R. Buisseret was telling Parliament that the administration planned to establish state schools throughout the Belgian Congo, and that, while it was not interested in harassing church schools its aim would be the creation of a comprehensive public school system.

◆ Religious freedom for American Indians of the southwest is the object of a current drive by the Southern Baptist Christian Life Commission. At a recent five-day conference in Glorieta, N. M., Editor Lewis A. Myers of the "Baptist New Mexican" said that in many pueblos the "freedom to choose a religious creed and the right to worship according to the dictates of conscience is positively foreign to the thinking of the Papal-bound adherents and to the Kiva-bound ritualists." (Kiva is a native Indian creed.) He expressed "shock" at a court decision by U. S. District Judge Carl A. Hatch ("Church and State," January) to the effect that the United States has no jurisdiction over civil and religious liberties in the pueblos, and advocated further legal action.

◆ "Pierre Mendes-France, the new Premier of France . . . has been unsympathetic to the special claims of Catholics, such as aid to schools," the Denver (Roman Catholic) *Register* reported on June 27. "He voted in the National Assembly against bills favoring aid to the Christian schools." The story also notes that Mendes-France is "comparatively young" and "a Jew." The church hierarchy in the United States may soon launch a campaign against the French regime with emphasis on the alleged "abandonment" of one and one-half million Indo-China Catholics to Communist forces.

◆ Entry of former Indiana State Representative Robert E. Menke into the race for state senator has stirred speculation as to the forces behind his candidacy. Previously ("Church and State," March), he had withdrawn his name from the primary, giving as his reason that a series of articles he was writing in defense of public employment of garbed Roman Catholic teaching nuns might be construed as "political" in motivation. Now, he says "the fact that no one announced" as a substitute candidate justifies his decision to run.

## Jailed Colonial Clergy

### Honored in Virginia

Seven Baptist preachers who went to jail in defiance of a colonial church-establishment law 180 years ago were memorialized as "apostles of religious liberty" recently in a ceremony at Chesterfield, Va. Several hundred persons gathered in front of the town courthouse to pay tribute to William Webber, John Weatherford, Joseph Anthony, John Tanner, Jeremiah Walker, Augustine Eastin, and David Tinsley, who in that early day had placed "the authority of our own consciences and the rules of our own church" above the authority of the unjust law under which they were jailed.

As preachers who were not of the established Anglican Church, the seven could have stayed out of jail only by going to Williamsburg and passing an Anglican examination for the ministry. This they refused to do, holding the law to be "morally wrong" as well as an "unnecessary and imposed inconvenience." For preaching without legal sanction, they were sent to prison by Chesterfield County magistrates. The cause of the seven ultimately prevailed when a reaction against such persecution set in throughout the American colonies, leading to the movement in favor of the principle of church-state separation.

## Seton Hall Gets Medical Center

With Revenue and Finance Commissioner Donald Spence abstaining from the vote, the Jersey City Commission last month voted 4-0 to enter into a lease with Seton Hall (Roman Catholic) University for the operation of a medical-dental school at the mammoth Jersey City Medical Center.

Commissioner Spence said he was abstaining because he was "hesitant about the benefits that this may achieve for the people of Jersey City" and doubted whether the city could legally lease a portion of the medical center to a private institution. Similar doubts had been expressed by citizens' groups (*Church and State*, April, May, and July), and the Rev. Dr. George Hollingshead pleaded with the Commission just before the vote to delay decision until further consideration could be given to all the "equities."

## Minnesota Supreme Court Ends School Funds Ban

On the ground that "the complained-of practices continued for only a short time and were discontinued as soon as the attention of the district board was called to them," the Minnesota Supreme Court recently overturned a ban on state funds for the Pierz school area where parochial-public school classes had been held (*Church and State*, September, 1951 and April and September, 1952). Speaking for a unanimous court, Chief Justice Roger L. Dell said:

"It is our opinion that the state board should have followed its own rules in this instance and advised the district board of the matters needing correction. . . .

"They [the violations] were neither authorized nor instigated by the district board. It is our conclusion that a fair construction of our constitutional prohibition of teaching religious matters in our public schools and our statutes relating to state aid should require some opportunity for the correction of practices, such as apparently existed here, before the commissioner of education denies a school district state aid."

The court excused the sectarian atmosphere of the classes in question by the following reasoning:

" . . . crucifixes and pictures had been in the classrooms for many years. They were not placed in the rooms by either public or parochial school authorities during the public school administration.

"During the years that the rooms were used for public instruction, removal was simply neglected. There was a holy water font at the entrance to each room, but these fonts were rarely used and then only by a few pupils. Like the pictures, their removal was simply neglected. . . .

"Religious instructions in the Catholic faith were given one-half hour each day to public school students whose parents requested it. On oral argument it appeared undisputed that these instructions were given on released time and had been discontinued by December, 1950, a few months after school began under the reorganization.

"While, as a matter of convenience, these instructions were usually given in the public classrooms, public school teachers did not consider it part of their duties to be present at such times because every pupil had requested such instructions. Religious

instruction in the public schoolrooms [a violation of the 1952 United States Supreme Court decision in the Zorach case—*Editor's note*] was not authorized by the district board or by the superintendent."

Judge Dell also observed that while teachers in the "parochial" schoolrooms were garbed Roman Catholic sisters, teachers in the "public" schoolrooms (housed in the same building) were qualified lay public school teachers, and that the "public" courses of study were prescribed by public officials without interference from church authorities. Summing up, the court said:

"When finally advised by the department of education to make certain corrections, the district board immediately made them. The same schools were operated during the school year 1951-52 and were found by the state department of education to conform satisfactorily to all rules and regulations."

The decision constituted a reversal of an earlier one by Ramsey County (St. Paul) District Judge Clayton Parks upholding the state education board's ban on the payment of \$16,924 claimed by the Pierz public school system. Judge Parks had, however, ordered the state board to allow payment of \$2,032 claimed by the public school system at Buckman, which, like Pierz, is in independent school district 6 of Morrison County and has also suffered from the parochial-public school problem.

## Illinois Supreme Court May Get Johnsburg Case

Promising an appeal to the Illinois Supreme Court, attorneys for Mrs. Dorothy N. Larson of Johnsburg took issue with Circuit Court Judge Bernard Decker's recent decision that her suit against school malpractices was "moot" because authorities had corrected the situation. Mrs. Larson had initiated her action in the spring of 1953, charging that her two children were being proselytized by garbed Roman Catholic teaching nuns in a so-called "public" school ("Church and State," May, 1953).

Although the garbed nuns in question have left the "public" school to teach in a new parochial school, Mrs. Larson's attorneys contend that public school records and property were furnished to the parochial school and that the alleged reforms in the public school were not made in good faith.

Thirty accredited Illinois public schools were listed in the 1953 "Official Catholic Directory" as parochial schools.

## Local Policy on Released Time Continues to Vary

The three most recent school board rulings on the "released time" system of religious education illustrate anew the general lack of agreement on the question in various parts of the country. Whereas Vermont, on the one hand, upheld the program (in a decision which at the same time banned in-school Bible classes—see story in this issue), local boards in West Virginia and Illinois rejected the program on grounds of public policy.

The Kanawha County, W. Va., Board of Education turned down a request from the South Charleston Ministerial Association for a year's trial of "released time" at a local junior high school, saying that the public school is "the place to stress community interest rather than to introduce or label differences." County Schools Superintendent Virgil L. Finn declared that the same principle which requires defense of the church from encroachments by the state also requires that the church be prohibited from using state power on its own behalf or in disregard of minority rights.

A similar stand was taken by the Decatur, Ill., board, which told a church group: "In countries where the churches and schools are closely connected, neither institution is as vigorous as in the United States where strict separation has been the principle." The Decatur Council of Churches is, however, permitted to rent classrooms for use before and after public school hours.

## Ocean Park Group Hears Dr. Poteat

The featured speaker for morning and evening Temple Services at Ocean Park, Maine, on August 15 was POAU President Edwin McNeill Poteat. Ocean Park was founded by Free Will Baptists in 1881.

Dr. Poteat's message was so well received that members of his audience sought him for speaking engagements before other groups with which they were connected.

The Senate Judiciary Committee voted unanimously last month to kill Senate Joint Resolution 87, which, calling for a constitutional amendment proclaiming the United States a "Christian" nation, had been opposed by POAU and other groups (Church and State, June).

CHURCH AND STATE

# Many States Leave Private Schools Uncontrolled, POAU Survey Reveals

Are private and parochial school pupils in the United States given a basic education "equivalent" to that given public school pupils? The results of a *Church and State* country-wide survey of state education laws and policies, published below, reveal that *in most instances public authorities do not know the answer because they exercise no effective control over the conduct of non-public schools*. In two states, officials were frank to admit that the questions raised by *Church and State* indicated a need for legislative action to strengthen the school laws. Others, however, took the position that no public "jurisdiction" could be exercised because the law forbade public support of private schools—a line of argument which if taken seriously would exempt such privately operated institutions as barber shops from public health regulations.

This survey is confined to the nature of the compulsory education laws of the states and the District of Columbia, and the question of whether or not a minimum curriculum and minimum standards are required of non-public as well as public schools. As the results show, some states do prescribe standards but do not provide that public and non-public school pupils must take standard examinations in the required subjects—which would seem to be the most effective means of ensuring that the standards are met. Many states provide standards which may be met voluntarily by schools seeking accreditation, but do not make accreditation a legal requirement. Statistics on the non-public schools (such as those from Kansas which *Church and State* published in January) are not given here because many of the states replying could not furnish them—even in some cases where state law required regular reports from non-public schools.

It should hardly be necessary to state that the questions raised in this survey carry no implication that private and parochial schools do not have a *right* to exist—yet one state official did so misconstrue the questions, saying, ". . . We have several hundred children in private or denominational schools [and the] question has never been raised so far as I know as to whether this is a violation of the law. . ." Actually, the question was whether or not the law defined the nature of the public and non-public "schools" which children could attend in order to secure that minimum education which the state presumably guarantees to all children.

## State School Laws and Standards — A POAU Survey

ALABAMA. Private, denominational, and parochial schools for children of compulsory school age must register and report annually to State Superintendent of Education on enrollment, attendance, courses, number of teachers, length of term, tuition, funds, property, and general school condition—but, State Education Department's 1952 Annual Report notes: "Unfortunately, some private institutions have failed to cooperate. Therefore, the statistics included in this report . . . are incomplete." Though the law states that schools failing to comply shall not "be considered as meeting the legal requirements of [the] compulsory attendance law," it has no teeth and no effort is made to enforce it.

ARIZONA. Children of compulsory school age must attend public school or "a regularly organized private or parochial school taught by competent teachers for the full time that the public schools of the district are in session," and must show this to satisfaction of district trustees and county school superintendent.\* "Our State Department of Public Instruction has no jurisdiction over private and parochial schools; therefore, we receive no records from them." "There is no requirement that they meet the standards of public schools; however, many of them aim to do so in order that students may continue their education in higher institutions of learning or on transferring to public schools."

ARKANSAS. Children of compulsory school age must attend "a public, private, or parochial school" at least "150 school days for a full nine months' term." American history course required in all schools "both public and private," but courses in fire prevention required only for "all public schools," and only "public" institutions of the state are prohibited from teach-

ing the "theory or doctrine that mankind ascended or descended from a lower order of animals." Likewise, course in dangers of alcohol and narcotics required only for "public schools." English is basic language of instruction for public and private schools. ". . . the State Board [of Education] has not for many years exercised any qualitative control over private secondary or elementary schools. Most of these schools . . . have requested and obtained accreditation by the State Department of Education, as a result of which they are voluntarily under certain regulatory supervision. . . ."

CALIFORNIA. Children of compulsory school age must attend public or "full-time day school" taught in English.\* No private school pupil may receive graduation certificate unless he has passed examinations in prescribed courses in the American constitution and history, American institutions and ideals, and state and local governmental principles; private schools prepare their own examinations, and no information is available on comparative results as between public and private schools. Length of the private school day need not conform to the public school day. Private school teachers are theoretically supposed to meet same standards as public school teachers but are not required to have the same credentials. Schools taught in a foreign language must be state-licensed, but those of "well-established" religious denominations are exempt. Explaining the lack of "detailed, accurate information" concerning private school enrollments, a state official ascribed it to the state constitution's prohibition of tax support for sectarian institutions.

COLORADO. Children of compulsory school age must attend "a public, private,

or parochial school for the entire [public] school year."\* A state official told *Church and State* that because of the state constitutional prohibition of aid to private schools and churches, "Colorado has no jurisdiction over any private or parochial schools and has established no minimum standards for such schools. Private schools on the secondary level may come under the accreditation program of the State Department if they so desire."

CONNECTICUT. Private schools for children of compulsory school age must keep Standard School Registers and report annually to State Department of Education, provide required citizenship courses and file a copy of such courses annually with State Board of Education. "Secondary schools which accept pupils whose tuition is paid out of public funds must be approved for that purpose specifically." English shall be language of instruction and not more than one hour in any school day may be given to instruction in another language. Building, safety, and sanitation laws must be obeyed. "At the present time, approval is on an entirely voluntary basis except for those private schools which are required by law to be approved (degree-granting institutions, mechanical training schools, schools receiving tuition from public funds)." *Church and State* has received no reply to a follow-up letter in which it asked for specific information on certain points.

DELAWARE. "All persons conducting private schools and all private educational associations, corporations, or institutions shall report to the State Board of Education annually . . . as to enrollment, age of pupils, and attendance," and shall also report monthly on forms provided by the

(Continued on next page)

(Continued from page 5)

Board. A state official told *Church and State* that there are only two other "legal contacts" with private schools—"the State Board must prescribe the manner in which Delaware Constitution and Government is to be studied . . . ; private institutions of a college level wishing to grant degrees cannot be franchised unless the approval of the State Department of Public Instruction has been obtained." But no answer was given to the following question, among others: "What action, if any, is taken by state or local officials against private schools found to be delinquent in any of the requirements?"

**DISTRICT OF COLUMBIA.** Children of compulsory school age must be "regularly instructed in a public school or in a private or parochial school . . ." during the public school session.\* "Provided, That instruction given . . . is deemed equivalent by the Board of Education to the instruction given in the public schools." An "accurate daily record" of attendance must be kept by all schools, and also of enrollments and withdrawals. "Equivalence" of courses and instruction as between public and non-public schools is determined by Superintendent of Schools; amount of instruction in non-public schools "shall be at least equal" to public; "Subjects or school activities pursued [in non-public schools] which are not offered in the public day schools, shall be properly credited as equivalents of other subjects taught in the public day schools." A "staff of 20 school attendance officers periodically visit non-public secondary and elementary schools."

**FLORIDA.** "Regular attendance" at public, parochial, or denominational or private schools shall constitute "school attendance" according to law.\* Attendance records and other reports must be filed—theoretically. A state official wrote: "The State Department of Education . . . has no authority over the parochial schools. . . . Schools are asked to report their attendance through the county superintendents to this office, most of which is not done. . . . Many private and parochial schools are listed . . . through accreditation procedures, and relationships between this department and those schools are very very fine. . . ."

**GEORGIA.** Did not reply to inquiries.

**IDAHO.** Children of compulsory school age must attend "a public, private, or parochial school for the entire [public school] year," and to be "instructed in reading, writing, spelling, English grammar, geography, and arithmetic." An official wrote: "The state has no regulatory powers over private or parochial schools. However, before credits earned in such schools may be accepted in any public school for credit toward graduation, the . . . school must meet the accreditation standards established by the Northwest Association of Secondary and Higher Schools."

**ILLINOIS.** Children of compulsory school age must attend "some public school" or a "private or parochial school [teaching] the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction . . . is in . . . English. . . ." Graduates of private high schools meeting University of Illinois standards or those of the North Central Association may enter college without taking an examination. An official wrote: "Many parochial schools request this [state] office to visit them from time

to time [and we] make such visits . . . when the duties of this office permit us to do so."

**INDIANA.** Children of compulsory school age "shall attend public school or other schools taught in . . . English . . . which is open to the inspection of local and state attendance and school officers . . . during the entire time the public schools are in session. . . ." An official wrote: "The State requests registration of teachers and teacher qualifications—the parochial schools seldom cooperate in this matter. No action is taken if the request is ignored. . . . The city and county superintendents are free to visit these schools but very seldom do. . . . nor are [such schools] required to make annual reports for the Department of Public Instruction files. . . ."

**IOWA.** Children of compulsory school age must "attend some public or private school for at least twenty-four consecutive school weeks in each school year. . . ."<sup>\*</sup> Reports on enrollment, attendance, and courses are required. Instruction must be in English. American citizenship, federal and state constitutions, American history, civics, and the dangers of alcohol and narcotics must be taught. "The superintendent [of public instruction] . . . shall have educational supervision over . . . non-public schools to the extent that is necessary to ascertain compliance with the . . . school laws."

**KANSAS.** Laws affecting private and parochial schools with regard to teacher registration, enrollment and attendance reports, length of school year, and visits of inspection are widely violated. See *Church and State*, January, 1954.

**KENTUCKY.** Children of compulsory school age must attend "a regular public day school for the full term" or "a private or parochial regular day school approved by the State Board of Education" which "shall at all times be open to inspection by attendance officers and officers of the Department of Education." Instruction must be in English and cover "the several branches of study required to be taught in the public schools" and during a term no shorter than the public school term. An official wrote: "In this state, teachers in private schools are not required to have certificates, but in practice most of them do." Information on the frequency of visits by public officials to non-public schools, requested by *Church and State*, was not made available.

**LOUISIANA.** A state official wrote: ". . . children who attend unapproved schools are considered as being in compliance with the Compulsory Education Law. . . . Private schools are free to seek state approval or to do without it, as they choose. . . . There is no law or state policy for the periodic inspection of private schools by state officials." Examination of the 1953-54 *Louisiana School Directory* revealed that only 71 out of a total of 293 white and Negro private elementary and secondary schools were state-approved.

**MAINE.** Children of compulsory school age "shall attend some public day school during the time such school is in session" or "a private school in which the course of study and methods of instruction have been approved by the commissioner [of education], or in any other manner arranged for by the superintending school committee with the approval of the commissioner. . . ." Attendance certificates must be filed. Courses which must be

taught, in English, include: American history and civil government including the Constitution and Declaration of Independence, importance of voting and citizenship responsibilities. An official declared, "Education in private and parochial schools is not subsidized by the state," but a law pertaining to schools "eligible to collect tuition charges from towns that do not maintain secondary schools of their own" includes private or parochial schools as among those eligible. Such schools are subject to inspection but no specific mention of inspection is made for other non-public schools.

**MARYLAND.** Children of compulsory school age "must attend some day school regularly throughout the school year." "All schools or educational institutions which charge tuition fees, except institutions conducted by church organizations or operating under a charter granted by the Legislature, must secure certificates of approval from the State Superintendent of Schools."

**MASSACHUSETTS.** Children of compulsory school age must "attend a public day school . . . or some other day school approved by the [town] school committee, during the entire time the public schools are in session."<sup>\*</sup> Prescribed courses must be taught in public schools by "teachers of competent ability and good morals," but no mention is made here of non-public schools. Instruction must be in English, and school committees are required by law to "approve a private school only when . . . satisfied that such instruction equals in thoroughness and efficiency . . . that in the public schools in the same town."

**MICHIGAN.** Children of compulsory school age may legally attend either public school or "a private, parochial, or denominational school which has complied with all the provisions of this act and teaches such branches as are taught in the public schools to children of corresponding age and grade as determined by the course of study for the public schools. . . ." Records are not filed directly with the State Department of Public Instruction, but rather with local authorities, and are regarded as "approximate" only. Non-public elementary (but not high) school teachers must be certificated. "The State exercises no control over the grading and promotion of parochial school pupils." No regular inspections are made.

**MINNESOTA.** "A school, to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in . . . English . . . , and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers. . . ." Certification of non-public school teachers is voluntary. The state does not prepare minimum standards for non-public schools, nor does it inspect them. Uniform state examinations are prepared for public schools, and non-public schools may purchase them if they wish.

**MISSISSIPPI.** Children of compulsory school age must attend "a public day school, or . . . a private, denominational, or parochial day school, taught by a competent instructor . . . for at least 80 days during each and every scholastic year. . . ." The state education department and county superintendents may require reports from non-public as well as public schools. Non-

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public schools may voluntarily seek the approval of the State Accrediting Commission. *Church and State's* request for a "description of inspection procedures—if any—used by the state to determine whether non-public schools are actually 'schools' within the meaning of the compulsory education law" was not honored.

**MISSOURI.** Children of compulsory school age must "attend regularly some day school, public, private, parochial or parish" for the full term.\* The state does not fix minimum standards or exercise supervision. Some non-public schools belong to the North Central Accrediting Association. Non-public school teachers need not be certified. An official wrote: "You will note that responsibility for implementing the compulsory attendance law is vested in local authorities and is, therefore, not a matter of state supervision."

**MONTANA.** All persons "who have care of children shall instruct them, or cause them to be instructed, in reading, spelling, writing, language, English grammar, geography, history and civics, physiology and hygiene, and arithmetic [at] a public, private, or parochial school" for the full term of the school, but an 180-day state minimum term need not be accepted by non-public schools "unless they ask for accreditation from the State Board of Education." Teachers in non-accredited schools need not be certified, but state official says "about 90%" are registered with county superintendents. "County superintendents are free to visit in all of these schools but . . . never visit many of them." Instructional language is English. All plans for school buildings must be state-approved. Attendance reports must be filed with local authorities.

**NEBRASKA.** Children of compulsory school age must "attend regularly the public, private, denominational, or parochial day schools" for a 145-day minimum term (in 8-month districts) or 160 days (in 9-month districts). All teachers must hold certificates registered with county superintendents. Enrollment, attendance, teacher preparation, daily class schedules, textbooks, special personnel and grades are to conform with general school laws of the state. Regular inspections are required. Specified basic courses must be taught, and schools are to instill a "love of liberty, democracy, and America" in their charges.

**NEVADA.** An official wrote: "The laws in our State relative to private schools hinge upon one statement: Attendance at public schools is mandatory unless children are receiving equivalent instruction at another residence. This has been interpreted by our State Board to mean equivalent instructional programs with regard to hours, certain mandatory subject matters . . . and beginning next year equal certification requirements for teacher personnel." He did not, however, send the texts of laws and regulations, as requested.

**NEW HAMPSHIRE.** Attendance at an "approved" private school may be accepted in lieu of public school education. "Approved" schools must teach certain prescribed subjects in the English language for at least 36 weeks in each year, and must conform to minimum physical standards. Attendance must be recorded on state registers each year. No state examinations are provided for pupils in the required courses. The 1953-54 state directory of

secondary and post-secondary schools lists 24 unapproved schools, of which 11 are clearly sectarian.

**NEW JERSEY.** ". . . any private school controlled or operated by a charitable institution or . . . by a religious denomination" is exempt from the law providing state supervision of private schools.

**NEW MEXICO.** ". . . children actually attending private or denominational schools maintaining courses of instruction approved by the state board of education" are deemed in compliance with the compulsory education law. Monthly reports to city or county superintendents are required. State Board of Education is empowered to issue certificates of recognition to colleges and private schools meeting standards of efficiency, and to require special reports from non-public schools. The notations, "No teachers training reported," and "No certification reported," appear frequently in tables on private and parochial schools in 21st Biennial Report of Superintendent of Public Instruction (July 1, 1950 to June 30, 1952). State officials did not reply to specific questions.

**NEW YORK.** Attendance is required "at a public school or elsewhere," with instruction in English and by "a competent teacher." Non-public instruction "shall be at least substantially equivalent" to public school instruction in the "ten common school branches" of learning, and for at least 190 days a year. A school operated by "an established religious group" is not required to register under state regulations.

**NORTH CAROLINA.** For purposes of the compulsory education law, the "term 'school' as used in this section is defined to embrace . . . such private schools as have tutors or teachers and curricula that are approved by the county superintendent of public instruction or the State Board of Education." The keeping of attendance records and maintenance of minimum standards are theoretically required, but statutes listing mandatory courses refer sometimes to "public and private schools" and at other times only to "public schools." A state official wrote: "The references from our Law which you have cited are evidences of the need for defining more specifically the responsibilities of public school officials. . . . We are currently engaged in a rewriting and recodification of all our school laws."

**NORTH DAKOTA.** "Children may attend private and/or parochial schools . . .," an official wrote. "The parochial schools . . . in order to be recognized or classified must adhere to regulations governing classified public schools, such as certification of teachers, science and other equipment, school plant construction and length of school week and year." (There was no indication that "recognition" or "classification" are compulsory.) "County superintendents are free to visit all schools which do not employ their own superintendent." Copies of the relevant statutes and regulations were not sent, as requested.

**OHIO.** Children of compulsory school age must attend "a public, private or parochial school for the full time . . . which shall in no case be for less than 32 weeks per school year [and shall receive instruction] equivalent to the instruction given children of like age and advancement in the public schools of the district. . . ." Non-public schools must keep attendance records and

file an annual report with the State Education Director. An official wrote: "We do not have special standards for private schools. We do visit private schools and if they meet our requirements we issue them a certificate of affiliation with the State Department of Education."

**OKLAHOMA.** Children of compulsory school age must "attend some public, private or other school . . . for the full term [of] the schools of the district." Attendance records must be kept. "Private and parochial schools may be accredited and classified in like manner as public schools, if application is made to the State Board of Education for such accrediting." An official wrote: "Under Oklahoma laws, this Department has nothing to do with private schools so far as licensing is concerned."

**OREGON.** Children of compulsory school age may attend a private or parochial school in which are taught "such branches as are usually taught in the first twelve years in the public schools," with the same term-length as the local public schools. The superintendent of public instruction "shall visit in person when practicable all the chartered educational institutions of the state." "All private secondary schools wishing to be standardized should make application to the State Department of Education." No reply was given to *Church and State's* request for clarification of some points.

**PENNSYLVANIA.** "Every child of compulsory age . . . is required to attend a day school in which the subjects and activities prescribed by the State Council of Education are taught in . . . English . . . continuously through the entire [public school] term. . . . The certificate of any principal or teacher of a private school . . . setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof."\* Private secondary schools may voluntarily apply for state approval. Schools "owned and operated by bona fide religious institutions" are exempt from licensing requirements affecting academic schools which accept tuition. Certain courses, flag observances, medical examinations, vaccinations, and the like, are required for all schools, but standard state examinations in required courses are not provided.

**RHODE ISLAND.** Attendance at "a private day school . . . approved by the school committee of the city or town" is deemed compliance with the compulsory education law. "All private schools or institutions of learning . . . shall be registered at the office of the department of education. . . ." The amount of instruction shall be "substantially equal" to the public school's. Certain courses are required for all schools, and to be taught in English. State-aided schools may be visited by school committeemen. Towns which do not maintain a public high school may pay tuition for pupils whom it sends to a private or parochial school. No state examinations in standard subjects are given.

**SOUTH CAROLINA.** The Regular School Attendance Law refers only to "the free public schools," and the right to attend non-public schools is apparently only implicit. "All private schools shall report to the county superintendent" upon request on attendance, number of teachers and "the grade and amount of educational work actually done." An official wrote: "We have

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practically no laws of a regulatory nature applicable to private schools. . . . Our High School Standards provide that private high schools may apply for approval on the same basis that public high schools apply for accreditation."

**SOUTH DAKOTA.** Children of compulsory school age must attend "some public or private day school for the entire term. . . ." The county schools superintendent, subject to the state superintendent, "shall have general supervision of all schools" and "shall exercise the right of visitation and inspection." All teachers must be certified. School accreditation is not required, and standard examinations are not provided. A state official reported that of 22 private and parochial 4-year high schools, one, a Lutheran institution, has not filed the required report, but "no action has been taken to determine whether this school is complying with the school laws."

**TENNESSEE.** Children of compulsory school age must attend "public or private day school" for a minimum of 180 days a year. Attendance records must be kept. An official wrote: "In Tennessee we do not have any State standards that apply to private schools. Many of our private schools are members of the Southern Association of Secondary Schools and Colleges. . . ." Queried further on the lack of state control, he explained: "By this statement, we simply mean that if some of our Tennessee children are enrolled in private or parochial schools and they are not seen loafing about in public places, it is assumed that they are meeting the attendance requirements. . . ."

**TEXAS.** Children of compulsory school age may attend "a private or parochial school which shall include in its course a study of good citizenship, and shall make the English language the basis of instruction . . . , and shall hold classes for 'the entire regular school term.'" Accreditation is voluntary, as is teacher certification. There is no state-directed examination system.

**UTAH.** An official wrote: "Utah has no laws regarding standards for private schools. All that is necessary . . . to establish a private school is to take out a license. We hope in one of the legislative sessions in the near future that legislation will be passed which will give the State Department of Education opportunity to draft standards. . . ." *Church and State's* request for more information on school laws and licensing procedure was not honored.

**VERMONT.** Children of compulsory school age must "attend a public school continuously for the full number of days for which school is held . . . [or must be] otherwise . . . furnished with the same education. . . ." "A school shall not be considered a high school of any class . . . which is not approved by the board of education" (for receiving tuition payments from the state). Non-public school teachers need not be certificated, and non-public elementary schools need not make reports. Inspection visits are not made.

**VIRGINIA.** Did not reply to inquiries.

**WASHINGTON.** Children of compulsory school age may attend a private school operating for the full public school term. The state education department disclaims "responsibility for the operation of the private schools," and points out that "the

compulsory attendance law places responsibility upon local district and county officials for the enforcement of the law." "State law does not require the licensing and inspection of private schools . . . [but it is recommended] that private school teachers be certified and private school officials generally are cooperating very well with that recommendation." Reports are legally required from non-public schools, but "since there is no supervision by public school authorities, and particularly because there is no penalty provided for failure to file such reports, the reporting is not complete."

**WEST VIRGINIA.** Children of compulsory school age may attend a private, parochial or other school "approved by the county board of education and for a time equal to the school term of the county for the year." Reports and records must be furnished upon request of the county superintendent. An official expressed his "regret that we do not have definite information or, for that matter, full information concerning private and parochial schools . . ." and did not reply to further inquiries.

**WISCONSIN.** An official wrote that state statutes "do not prescribe standards for private schools," and used the specious reasoning that public officials are "without jurisdiction in the private school field" because of the constitutional prohibition on "the use of public funds for private schools." He did not comply with *Church and State's* request for copies of the school laws and for clarification of certain points.

**WYOMING.** Children of compulsory school age must attend "a public, private or parochial school, or . . . two (2) or more of these schools, each year" for the full public school session. An official wrote: "There is only one accredited non-public school in Wyoming: St. Mary's, Cheyenne, Wyo., (Roman Catholic). In order to be accredited by the North Central Association, it must comply with the accreditation requirements. There is no provision for the certification of teachers of non-public schools and this office has no jurisdiction over such schools."

\*These states also allow individual tutoring at home in some circumstances.

## Survey Shows Emptiness Of Paper's 'Challenge'

In the light of the survey results as shown above, it is interesting to examine the assertions made in Roman Catholic publications as to the comparative level of the parochial school system and its rightful "claim" for a measure of public support. For instance, *Our Sunday Visitor*, "The Popular National Catholic Action Weekly," said: "We challenge critics of the Catholic schools to offer proof that children do not receive an education in them at least as efficient as in the public schools. The physical property in rural areas may be inferior, but not the school teaching." The church newspaper also asserted that the "Catholic Church leans over backwards to follow the curriculum

of the public school, even though she might feel that one of her own would be more efficient and practical." Both the "challenge" and the assertion are absurd in view of the fact—clearly demonstrated by *Church and State's* survey—that non-public schools in the United States are for the most part free of public surveillance and their teachers and pupils protected from direct competition with their public school counterparts under standardized conditions.

Similarly, the following statement on the "Legal Status of Catholic Education," appearing in the 1954 *National Catholic Almanac*, is a statement of theory which bears little relation to reality:

"Schools established and administered by private corporations or individuals are legally separate from the public school system though subject to regulation by civil authority. Their right to exist, free from unreasonable interference, is generally recognized and expressly confirmed in several important law cases. Public funds cannot be used to support denominational schools, but such schools are not taxed."

"Education is compulsory in all states and the period of attendance is the same for private as for public schools. In some states inspection and supervision of private schools and their approval for compulsory education purposes is required. The general curriculum is regulated by law in most states, as are the teaching of social studies and the use of the English language."

Even though public education authorities often delegate the "accrediting" function to private agencies, sectarian school administrators are still none too satisfied. For example, a story in the *Washington Post* of November 9, 1950, stated in part:

"Catholic schools cannot qualify under new accrediting standards of the Middle Atlantic Association of Secondary Schools and Colleges and probably will withdraw from that organization unless the standards are changed."

"This was brought out in discussion yesterday as 125 Catholic school superintendents opened a two-day conference at the Mayflower Hotel.

"The annual meeting . . . showed a growing dissatisfaction among [Roman Catholic] school officials with accrediting procedures. . . .

"The [Roman Catholic] educators pointed out . . . that Catholic schools are affected directly by the change. . . . They described the new standards as 'pagan.' . . ."

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## Buffalo Priests Oppose Religious Baccalaureates

Following the lead of their priests, three parish societies of the Roman Catholic Diocese of Buffalo, N. Y., adopted shortly before the summer vacation a resolution expressing "strenuous" objection to "religious-type" baccalaureate services held in the public schools of the neighboring town of North Tonawanda. Acting in accordance with the resolutions, some Roman Catholic students of North Tonawanda High School stayed away from the baccalaureate exercises.

The parishes of Ascension, St. Joseph's, and Our Lady of Czestochowa Roman Catholic churches united in endorsing the resolution, which asserted that "the State Education Law forbids baccalaureate services . . . , the State Education Department ruling of December, 1952, prohibits a public school being used for a baccalaureate service which has a program following a general religious pattern of a church . . . and the laws of the Catholic Church forbid active religious participation by Catholics in any non-Catholic service."

The state education department ruling referred to in the resolution was apparently the one issued by State Education Commissioner Lewis A. Wilson in June, 1951 (although the resolution gives the date of December, 1952), in which Wilson held that the program of a baccalaureate service planned by the Central School in Somers, N. Y., was—as a local Roman Catholic priest charged—"a religious service in both content and form." Citing the United States Supreme Court's dictum in the *Everson* case (reiterated in the *McCollum* case) that public agencies cannot "aid one religion, aid all religions, or prefer one religion over another," the New York commissioner issued a restraining order against the contemplated Somers baccalaureate service. Commenting at the time, the *Church and State Newsletter* remarked: "Ironically, national Roman Catholic leaders have emphatically rejected this [Everson-McCollum] reasoning . . . , [maintaining] that the First Amendment prohibits only the establishment of a single religion and does not prohibit 'impartial' government aid to 'all' religions."

In the current dispute, the North Tonawanda education board president, James Ferguson, stated that the baccalaureate services have always been carefully planned and that "this is the first time an objection has been

raised." "Recently," he added, "the board unanimously adopted a resolution to continue this practice, but now I don't know what will happen." The Rev. Paul H. Huyett, minister of Tonawanda Methodist Church and president of the Twin Cities Ministerial Association, asserted that the baccalaureate programs are non-sectarian and pointed out that the association has supplied speakers ever since area Roman Catholic churches decided several years ago not to participate. The Rev. Charles E. Titus of North Tonawanda Methodist Church was principal speaker this year, choosing as his topic, "Widening Horizons."

Leading the Roman Catholic objectors are the Rev. Ceslaus Polewicz of St. Joseph's, the Rev. Francis J. Hunt of Ascension, and the Rev. James Dyrek, assistant in charge of religious education at Our Lady of Czestochowa Church.

## 'Punish' Protestants, Spanish Prelate Demands

Pedro Cardinal Segura y Saenz, Roman Catholic archbishop of Seville and former primate of Spain, is threatening to "have the law" on Protestants again. In a pastoral letter read in all the churches of his archdiocese recently, the cardinal pointed to what he called "the very alarming proportions" of current Protestant activities in Spain and said that he found it "necessary again" to warn of the danger presented by such activities to "faith and morals."

"A kind of Protestant regional congress is being prepared with a view to sectarian propaganda," Cardinal Segura continued. "This is positively against the law. It should be forbidden and punished by our authorities, who should see in it a grave danger for the nation if this great evil is not dealt with radically."

*Safeguard liberty—support POAU!*

## 'AN ANCIENT PRIVILEGE'



KEYSTONE PHOTOGRAPH

When church and state functions are fused, symbolically or otherwise, the question always arises, "Which takes precedence?" In the picture above, the kneeling figure is wearing clerical rather than secular garb—which will doubtless surprise many Americans who recall the famous picture of the late President Roosevelt's "personal representative," Myron C. Taylor, kneeling to kiss the Pope's ring. The ceremony depicted above, however, took place last year, when Former President Vincent Auriol of France conferred the red cardinal's hat on Papal Nuncio Roncalli. In so doing, he was "exercising an ancient privilege reserved to the chiefs of state of only four nations (France, Spain, Poland, and Austria). . . ." Others in the picture include former French Premier Georges Bidault; General Vanier, Canadian ambassador; Turkish Ambassador Menemencioglu; Italian Ambassador Quaroni; and, foreground, Msgr. Testa, papal legate.

# Current Colombian Strife Rooted in 1888 Concordat

The flames of religious persecution which today lick at the vitals of the Republic of Colombia (*Church and State*, July, and earlier issues), originated in a spark struck by government and church officials on July 5, 1888, when that nation's church-state concordat was signed in Rome. As in other concordats (*Church and State*, October, 1953 and March, May, and July, 1954), Article I of the Colombian agreement declared:

The Roman Catholic Apostolic Religion is that of Colombia; the public authorities recognize it as an essential element of the social order, and are obliged to protect it and cause it to be respected, along with its ministers, assuring it at the same time the full enjoyment of its rights and prerogatives.

Inevitably, the government's obligation to cause the official religion "to be respected" leads to suppression or restriction of religions which are in conflict with that of the state.

Again as in other concordats, the Colombian agreement requires the church to give the state certain kinds of support and to give the government veto power over ecclesiastical appointments. Among such provisions are:

**ARTICLE 11.** The Holy See will give the Government its aid and cooperation in establishing in Colombia religious institutions primarily dedicated to charity, missions, education of youth, general learning, and other works of public utility and beneficence.

**ARTICLE 15.** The right of naming persons to vacant Archbispocracies and Bispocracies belong to the Holy See. The Holy Father, notwithstanding, as a token of particular deference and in order to preserve the harmony between Church and State, agrees that the filling of archiepiscopal and episcopal seats shall be to the liking of the President of the Republic. Consequently, for each vacancy the latter may recommend directly to the Holy See the ecclesiastics who in his opinion combine the talents and qualities necessary for the episcopal dignity, and the Holy See, for its part, before proceeding to the nomination, will always reveal the names of the candidates whom it wishes to promote, in order to ascertain whether the President has civil or political considerations which would render the named candidates objectionable. (Italics added.)

**ARTICLE 16.** The Holy See will have the power to establish new Dioceses and change the boundaries of existing ones when it deems such changes useful and opportune for the maximum benefit of souls, first consulting the Government to see whether the changes would be correct and agreeable. (Italics added.)

**ARTICLE 20.** Members of the Army of the Republic will enjoy exemptions and favors known as military privileges which will be specified by the Holy Father in a separate act.

**ARTICLE 21.** After the Holy Offices the following prayer will be offered in all the Churches of the Republic: *Domine, salvam fac Rempublicam; Domine, salvum*

*fac praesidum eius et supremas eius auctoritates.* ("Lord, save this Republic; Lord, save its president and his supreme authority.")

In return for such concessions by the church to the state—similar to those which Communist regimes exact from so-called "patriotic priests"—Colombia agreed to many provisions for active governmental support of the church, among them the following:

**ARTICLE 3.** Canon law is independent of civil, and forms no part of the latter; but it [canon law] will be solemnly respected by the authorities of the Republic.

**ARTICLE 4.** The State recognizes in the Church, as represented by its legitimate hierarchical authority, a true and rightful juridical agency and capacity of enjoying and exercising the rights and privileges which are appropriate to it.

**ARTICLE 7.** The secular and religious clergy will not be obliged to carry out public duties which are incompatible with their ministry and profession, and will be forever exempted from military service.

**ARTICLE 8.** The Government is obliged to adopt in criminal procedures methods which will save the sacerdotal dignity, regardless of any connection which a minister of the Church may have with the case.

**ARTICLE 9.** Diocesan ordinaries and parsons will have power to collect from the faithful emoluments and ecclesiastical rents canonically and equitably established in principle as well as in the immemorial custom of each Diocese, for the granting of religious services; and in order that the acts and arbitrations of this origin will have civil effects backed by the power of temporal authority, the ordinaries will proceed in cooperation with the Government.

**ARTICLE 10.** Religious orders and associations of one sect or the other shall be allowed to organize freely in Colombia . . . and in order to enjoy juridical agency and remain under the protection of the laws must present to the Civil Power the canonical authorization of the respective ecclesiastical superior.

**ARTICLE 12.** In the universities and colleges, in the schools and other centers of learning, the public education and instruction will be organized and directed in conformity with the dogmas and morality of the Catholic Religion. Religious instruction will be obligatory in such centers, and the devotional practices of the Catholic Religion will be observed in them.

**ARTICLE 13.** Consequently, in such centers of learning the respective diocesan ordinaries, directly and through special agents, will exercise control in matters pertaining to religion and morality, and in the inspection and revision of textbooks. The Archbishop of Bogota will designate

the books which will be used as textbooks in religion and morality in the universities; and for the purpose of assuring the uniformity of the teaching in these subjects, this Prelate, in cooperation with the other diocesan ordinaries, will choose the textbooks for the other official educational institutions. The Government will prevent the propagation of ideas contrary to Catholic dogma or lacking in the respect and veneration owed to the Church, in any of the literary, scientific, or other courses.

**ARTICLE 14.** If, in the case of religion and morality, in spite of Government restraining orders, the teaching is not in conformity with Catholic doctrine, the respective diocesan ordinary will be empowered to relieve the Professors and Instructors of the right to teach such subjects.

**ARTICLE 17.** Civil validity will be given the marriages of persons professing the Catholic Religion only when such marriages are celebrated in conformity with the provisions of the Council of Trent.

**ARTICLE 18.** Where it is necessary to prove that a marriage was performed at any time in accordance with the Council of Trent, ecclesiastical evidence will be pre-eminent.

**ARTICLE 19.** Questions affecting the matrimonial bond and the cohabitation of the married couple will be within the exclusive competence of ecclesiastical authority, as also those which affect the validity of betrothals. The Civil Power will rule over the civil effects of marriage.

**ARTICLE 22.** The Government of the Republic recognizes in perpetuity the existence of Government securities and paid-up mortgages held by the churches, monasteries, chaplaincies [i. e., capital, the interest on which is allocated by Spanish law to the support of an ecclesiastic], charitable establishments, and educational establishments conducted by the Church, which [investments] have at any time been part of the national debt. This legal debt will earn, without reduction, annual liquid interest of 4½%, payable in six-month periods.

(Articles 23 through 29 give other details of the financial arrangement, including certain "cancellations" granted by the church to the state in exchange for new subsidies.

(An additional agreement was drawn up in 1892 relating to the special status accorded to ecclesiastics involved in criminal trials and the joint regulation of cemeteries.)

## Colombian Constitutional Body Includes Priests

Two delegates of the Roman Catholic Church were included among additional members of the Colombian National Constitutional Assembly under terms of a bill recently adopted by the Assembly as it met in Bogota. Under the new bill the Assembly will be made up of 59 Conservatives (members of the ruling party), 33 Liberals (an increase of 20), and two representatives each for the armed forces and the Roman Catholic clergy.

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## School Aid Program Makes Slow Progress

"Caution" has been the keynote of the federal government's approach to the dilemma presented by mounting public school enrollments and lagging new school construction, coupled with a grave shortage of teachers.

Only steps taken by the 83rd Congress to alleviate the school housing crisis have been extension of Public Laws 815 and 874, continuing until 1957 allocation of federal funds for school construction to bulging public educational systems located in defense areas.

Previously, Congress passed three get-your-toe-wet measures, primarily exploratory and, according to some educational spokesmen, mere duplication of previous acts. They provide for a 1956 White House Conference on education preceded by state conferences; a National Advisory Committee on Education; and a cooperative research program financed and conducted jointly by the U. S. Office of Education together with state departments of education and universities and colleges.

The likelihood of Congressional authorization of emergency federal funds for general public school construction is daily becoming more remote. Reported "on the calendar" as this issue goes to press, but with action continually postponed, is S. 2601, a measure sponsored by Senator John S. Cooper (Ky.) to initiate a 215-million dollar financial assistance program "to states and territories in the construction of public elementary and secondary school facilities" for the next two years.

Pending Senate action, the companion bill, H. R. 10149, introduced by Rep. Peter Frelinghuysen, Jr. (N. J.), lies dormant after being referred to the full House Committee on Education and Labor with the unanimous approval of the School Construction Subcommittee. The measure, a compromise of several bills under consideration, would authorize an annual appropriation of 250 million dollars for school construction over the next two years.

The controversial Hill oil-for-education bill, which would have provided less specifically defined aid to education, is expiring in the arms of the Senate Committee on Interior and Insular Affairs, much to the relief of its opponents, if not to that of public educators. POAU has repeatedly pointed out that the bill was defec-

tive in failing to specifically limit federal financial aid to publicly operated educational systems.

Bills to classify school tuition as tax-exempt also died in committee. Sponsored by Representatives McVey (Ill.), Carnahan (Mo.), and Multer (N. Y.), and extending tax-exemption to various educational levels, the measures would have had the effect of putting tax support of public education on a voluntary basis.

There is some prospect of more substantial government aid for public school construction at a later date. The House Committee on Education and Labor is said to be continuing a study of a long-range program such as that set up in H. R. 10052, a bill sponsored by Rep. Carroll D. Kearns (Pa.). Of the total ten to twelve billion dollars reportedly needed for school construction, it is estimated that six billion dollars can be provided by the states. The Kearns measure would make up the deficit by releasing five billion dollars from the federal treasury over a three-year period and would disclaim federal interference (except to prevent misuse of funds) by centering financial control in the states.

## Clergymen Eligible Under New Social Security Law

Ministers, foreign missionaries, and Christian Science practitioners are among the approximately ten million persons who were made eligible for social security benefits under the administration bill passed shortly before adjournment of the 83rd Congress. The new law provides that they may elect to be covered on the same basis as "self-employed" professional workers.

The provision affecting Christian Science practitioners represented a compromise—other proposals had called for classifying them as "physicians" (not eligible) or "clergymen."

Spokesmen for the National Council of Churches, the Southern Baptist Convention, and rabbinical groups favored the bill.

*Whatever helps a nation can justly afford should be generously given to aid the states in supporting common schools but it would be unjust to our people and dangerous to our institutions to apply any portion of revenues of the nation or of the States to the support of sectarian schools.—President James A. Garfield.*

## Jesuit Weekly Regards

### 'Spirit of '76' as Evil

The "worldly" or "secularistic" outlook "has deeply entrenched roots reaching right back to our beginnings as a nation," the Jesuit weekly, *America*, admitted in an August 7 editorial which concluded a series on "Religion in Education."

"Many believers, including many Catholics," the magazine continued, "tend to oversimplify the struggle between the forces of religion and secularism for control of our culture. They cite the word 'Creator' in the Declaration of Independence to prove that our democracy began with a pro-religious orientation. It undoubtedly did so begin. But it is a serious error to go on from there, as so many do, to the assumption that American secularism is a late-comer which can be routed by calling secularists 'un-American' and flagging them out of the game with a wave of Old Glory.

"It isn't nearly that simple. Secularism was making headway in America at the very time the Declaration was being written. Religious orthodoxy was on the wane. The writings of Thomas Paine, who was a deist, were strongly rationalistic and naturalistic. The secularistic trend was accelerated with the victory of Jeffersonian democracy in 1800. By 1832 James Madison was recording his opposition to the tax exemption of even houses of worship. From the time when our public-school system was set up (1840-50), secularism has marched from victory to victory over religion in various sectors of American society."

## Beachhead Sought

What is needed, according to *America*, is that religion should set about "recovering a beachhead in public elementary and secondary schools," and this can be accomplished only by means of a revolutionary change in the American ideology.

Four years ago (June 3, 1950), in a similar fit of frankness, *America's* Jesuit editors directly assailed Thomas Jefferson as a man who had cast a pernicious "spell" over twentieth-century American thought, and even went so far as to smear the Sage of Monticello's memory with the observation: "Despite his fondness for revolutions . . . no one among our early statesmen had less stomach for carrying a gun into the fight for freedom."

## Cardinal Offers 'Unity' Through 'Submission'

Formal notice that the Roman Catholic Church would not cooperate with or participate in any way in the Second Assembly of the World Council of Churches was issued by Samuel Cardinal Stritch, Archbishop of Chicago, in a June 29 pastoral letter addressed to the clergy and laity of the archdiocese but later reprinted in pamphlet form for distribution to more than one million persons. The pastoral letter said that the "divinely established hierarchy" of the Roman Catholic Church could never consent to meet "as equals" with the representatives of other churches, and called upon the faithful to pray that all non-Catholics be given the "grace to be united with the Church in humble submission to her authority. . . ."

The Second Assembly of the World Council of Churches, held at Evanston, in the Chicago area, from August 15 to 31, brought together representatives of 161 communions from 48 countries. Among them were officials of the Greek Orthodox Church, which not long before had published an article in its weekly organ at Istanbul, *Apostolos Andreas*, chiding the Roman Catholic Church for the very attitude exemplified later in Cardinal Stritch's pastoral letter. Said *Apostolos Andreas*:

The Church of Rome must be convinced by now that with methods and means that it has used it is impossible to succeed in uniting or bringing the churches under her influence and jurisdiction. . . .

Subsequently, Greek Orthodox Bishop Athenagoras of Los Angeles (spiritual leader of his communion in eleven western states), took up this theme in a letter to Roman Catholic Archbishop James Francis Cardinal Mc-

Intyre of the same city: Bishop Athenagoras wrote:

Today, the Orthodox Church takes an active part with the Protestant groups in conferences aiming to help the Christian world to achieve cooperation under a unified program for the sake of peace, the protection of the Christian way of life, and the defence against Communism.

In so doing, the Orthodox Church avoids participation in dogmatic discussions, knowing that the Christian doctrines have been sealed and completed by infallible decisions made at the Seven Ecumenical Councils of the undivided church.

Is it beyond possibility for the Roman Church to do the same thing?

Cardinal McIntyre replied to Bishop Athenagoras' letter but stipulated that his reply was not to be made public.

For his part, Cardinal Stritch referred plainly to the World Council's second assembly—though without naming it—in his pastoral letter, when he said:

"There are men outside the Church professing the Christian name who deplore the divisions which exist among them. They talk about setting up and establishing a Christian unity, or, as they sometimes say, a unity of Christian action. . . . They gather in international organizations; they hold congresses, conventions, and assemblies. . . .

"Quite naturally the question arises in your minds, what should be the opinion of a Catholic, what is his attitude with regard to these organizations and their activities? The answer of the Church to this question is: The Catholic Church does not take part in these organizations or in their assemblies or conferences. She does not enter into any organization in which the delegates of many sects sit down in council or conference as equals. . . . She does not allow her children to engage in any activity of conference or discussion

based on the false assumption that Roman Catholics too are still searching for the truth of Christ. . . ."

Cardinal Stritch insisted that the power of his church is derived directly from St. Peter, to whom "were entrusted the keys of the kingdom of heaven, the power of binding and loosing, that is, the power of making laws, of judging and punishing and therefore also of teaching faith and morals." The attitude of the Roman Catholic Church towards non-Catholic Christians, he said, is that of "a loving parent towards erring children."

Commenting on the pastoral letter, World Council General Secretary W. A. Visser 't Hooft expressed surprise that it made no mention of a Vatican instruction of December 20, 1949, which, he said, stated that "mixed gatherings are not . . . forbidden outright" but could be held only with express sanction from "the competent ecclesiastical authority."

## Vermont Classes

(Continued from page 2)

in the belief that the parents were generally in favor of the classes."

The board chairman also stated "that the children did not need their parents' consent to take the religious instruction, but were included in the classes if there were no objections."

Superintendent Fay Whitcomb of the Orange East School District is an ardent defender of the Bible classes which, pending a final ruling, had been continued in Corinth (after a temporary interruption), Topsham, Vershire, and West Fairlee. Thetford, Bradford, and Fairlee had abandoned the classes. Another advocate of the public school Bible classes is former Governor Harold J. Arthur, who is opposing Attorney General Barber in the September 14 primary contest for the Republican nomination for lieutenant-governor.

## Out-of-School Classes

The attorney general's opinion, while rejecting public school religious indoctrination or "worship," upheld "released time" classes in religion so long as they are held off school property and do not "conflict with the required [public school] curricula." The opinion asserted that the Vermont constitution was originally intended to set up a "Christian state" which would provide "encouragement to religious practices." The ruling is to be referred to the State Board of Education at its next meeting.

**CHURCH AND STATE**  
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